IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 5208 of 1998

Between:

1 Jana Suri Appa Rao S/o Pydiyya
R/o Rajahmundry, East Godavari District.
2 Manthena Kesavaraju S/o Krishnam Raju
R/o Rajahmundry, East Godavari District.

..... PETITIONERS

AND

1 State of A.P Rep by Secretary Department of Mines & Geology,
Hyderabad
2 Deputy Director Mines & Geology,
Kakinada East Godavari District.
3 Asst. Director Mines & Geology,
Rajahmundry, East Godavari District.
4 M/s Ferro Alloys Corporation Ltd,. a Company

Regd.Under Companies Act,
Shriram Nagar Garividi Village , Vijayanagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order one in the Nature of Writ of Certiorari, quashing the 3rd respondent proceedings
No. 3491/M/85, dt 24-9-97.

Counsel for the Petitioner: Mr. M.SIVANANDA KUMAR

Counsel for the Respondents No.1 to 3: GP FOR INDUSTRIES

& COMMERCE

Counsel for the Respondent No.4: Mr. B.ADINARAYANA RAO

The Court made the following:

ORDER:

The grievance of the petitioners is that they are the absolute owners of the land in an extent of Ac.2.44 cents, situated in R.S.No.327/2 of Duddukuru village, Kovvur mandal, West Godavari District and on coming to know that Granite metal is available in the said land, the petitioners applied for grant of necessary licence to excavate the stones and submitted applications to the 3rd respondent on 07-10-1985. Though some correspondence took place between the parties, no licence or lease was granted in favour of the petitioners and as such, they were constrained to approach the District Munsif Court at Rajahmundry and file a suit in O.S.No.90 of 1991.

2. It appears from the record that subsequently, the lease was granted in favour of the 4th respondent and the 4th respondent was impleaded in the said suit filed by the petitioners. Subsequently, the respondents 3 and 4 also instituted a suit, i.e. O.S.No.401 of 1997. Be that as it may, the 3rd respondent thereafter issued proceedings on

24-09-1997, according permission to the 4th respondent to work on basalt rock (Road metal) in the petitioners' lands, taking into consideration the fact that the 4th respondent is an existing lessee. The present Writ Petition has been preferred against the said impugned order dated 24-09-1997.

3. Heard the learned counsel on either side.

4. Admittedly, this Court refused to grant any interim orders at the time when Rule nisi was issued. After going through the impugned order dated 24-09-1997, this Court is of the view that the interest of the petitioners is very much safeguarded as the 3rd respondent has clearly mentioned in the said order that the said lease in favour of the 4th respondent is subject to the result of both the suits, i.e. O.S.No.90l of 1991 and O.S.No.401 of 1997. In that view of the matter, this Court finds no merits in

the Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs.

_____

(GOPALAKRISHNA TAMADA)

13th December, 2004.

Tsy

To

1. The Secretary,

State of A.P., Department of Mines & Geology,
Hyderabad.

2. The Deputy Director Mines & Geology,
Kakinada, East Godavari District.

3. The Asst. Director Mines & Geology,
Rajahmundry, East Godavari District.

4. M/s Ferro Alloys Corporation Ltd,.

a Company regd. Under Companies Act,
Shriram Nagar Garividi Village , Vijayanagaram District.

5. Two CCs to GP FOR INDUSTRIES & COMMERCE, High Court of A.P.,

Hyderabad (O.U.T.).

6. Two CD Copies.